

**TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY
MINUTES**

DATE: December 1-2, 2011

TIME: 9:00 a.m., CST

LOCATION: Health Related Boards
Iris Room
227 French Landing, Suite 150
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Anita Davis, Ph.D., Chair
Jeffrey Erickson, Ph.D., Vice Chair
Mark Sigler, Ph.D., Senior Psychological Examiner
Pamela Auble, Ph.D.
Patti van Eys, Ph.D.
George Bercaw, M.A., Senior Psychological Examiner
Brenda Hunter, Citizen Member

**BOARD MEMBERS
ABSENT:** Rodney Sullivan, Ph.D.
Donald Brookshire, Psy.D

STAFF PRESENT: Elizabeth Miller, Director, Health Related Boards
Sherry Owens, Board Administrator
Rachel Appelt, Office of General Counsel
Jennifer Putnam, Office of General Counsel

Dr. Davis, Chair, called the meeting to order at 9:10 a.m. A quorum was present.

Minutes

Dr. Van Eys made a motion, seconded by Ms. Hunter, to approve the September 22-23, 2011 minutes as amended. The motion carried.

Contested Case

A contested case hearing was conducted for David Jefferson, Ph.D. Judge Joyce Safely presided and granted the state's motion to proceed in default. Ms. Appelt stated that Dr. Jefferson did retire his license with the Board office but the State can still bring charges against him since the Board rules allow him to reinstate his license at any time. Ms. Appelt stated that a complaint was filed regarding his competency to practice as a licensed psychologist in Tennessee. Six months after the State filed the charges against

Dr. Jefferson, he retired his license with the Board. Ms. Appelt is asking the Board to restrict the license if Dr. Jefferson decides to reinstate his license. Dr. Jefferson was ordered to undergo a psychological evaluation, ordered by Judge Joyce Safely on October 15, 2011, and failed to do so.

The State asked the Board to restrict Dr. Jefferson's license so that, if he tries to reinstate it, he would need to have a Board approved psychological evaluation. Ms. Appelt is also asking for costs for the case be paid by Dr. Jefferson.

After hearing the evidence, Judge Safely read the instructions to the Board for this case. Dr. Sigler made a motion to adopt the findings of fact items 3, 4, 5 and 6, seconded by Dr. VanEys. The motion carried. Dr. Auble made a motion, seconded by Dr. VanEys, to have the testimony of Investigator Ken Jones regarding Dr. Jefferson's behavior during the interview be a finding of fact. The motion carried.

Dr. VanEys made a motion, seconded by Dr. Auble that if Dr. Jefferson completes a mental evaluation should he reapply for his license, that conditions be placed on his license if reinstated. The motion carried. Dr. Sigler made a motion, seconded by Dr. Erickson to apply a civil penalty in the amount of \$500.00 not to exceed \$5000.00. The motion died due to lack of record.

Ms. Hunter made a motion that the Board takes this action to protect the safety and welfare of citizens of the State of Tennessee, seconded by Dr. Auble. The motion carried.

Orders of Compliance and Consent Orders

Ms. Putnam presented an Order of Compliance on **James Jackson, SPE**. Dr. Sigler made a motion, seconded by Dr. Auble to accept the Order as amended. The motion carried.

Ms. Putnam presented a Consent Order on **Vickie Brewer, PhD**. Dr. Sigler made a motion, seconded by Dr. Erickson to accept the Order as amended. The motion carried.

Ms. Putnam presented a Consent Order on **James Scott, SPE**. Dr. Sigler made a motion, seconded by Ms. Hunter to accept the Order with amendments from Dr. VanEys. Dr. Auble recused herself from the vote. The motion carried.

Ms. Putnam presented a Consent Order on **Gary Smithson, SPE**. Dr. Sigler made a motion seconded by Dr. Auble to accept the Order as amended. The motion carried.

OGC Report

There are no open disciplinary files in the Office of General Counsel. A case review is currently scheduled for the first week in December.

Investigative Report

There are twenty-two (22) complaints against psychologists and seven (7) against psychological examiners/senior psychological examiners.

Disciplinary Report

Four (4) practitioners are on probation, six (6) practitioners have had their licenses suspended/revoked, six (6) practitioners are under Board orders and one (1) license was reprimanded.

Administrative Report

There are currently 1331 active licensed psychologists, 513 active licensed psychological examiners/senior psychological examiners and 23 active licensed certified psychological assistants.

Financial Report

For FY2011 there were direct expenditures of \$60,653.00 and revenues of \$237,437.00. Indirect expenditures are not yet available.

Report from ASPPB

Mr. Bercaw attended the yearly meeting of the ASPPB in October in Chicago, IL. There were two (2) items that Mr. Bercaw brought before the Board. The EPPP licensing exam will have an increased fee of \$575.00. There was also discussion about how the Ethics and Jurisprudence Exam could be periodically updated with actual offenses with which licensees are charged. Also, test items should be included in the exams that would not count toward scoring.

Rule Amendments

Ms. Appelt discussed amendments to Rule 1180-1 and 1180-2 and 1180-3. Dr. Auble made a motion, seconded by Dr. Van Eys, to approve the amendments as discussed. The motion carried.

Correspondence

The Board reviewed a letter from **Meirav Edlis Matityahou, PhD**, requesting his provisional license be moved to a temporary license. Dr. Auble made a motion, seconded by Ms. Hunter, to grant the request. The motion carried.

The Board reviewed a letter from **Thomas Palmer, MS**, requesting a review of information from Waldon University for the purpose of determining whether Waldon

meets APA requirements. Dr. Sigler made a motion, seconded by Ms. Hunter to have Mr. David Caye, SLPE review this information. The motion carried.

The Board reviewed a letter from **William Pinder, III LPE**, requesting a waiver of requirements for reinstating his license. Dr. Sigler made a motion, seconded by Dr. Erickson, should Mr. Pinder agree to pass the Jurisprudence and Ethics Exam within 6 months, submit a letter from his supervisor and complete 320 hours of continuing education, the Board office is to issue a temporary license upon submission of the reinstatement application and fees. The motion carried. Mr. Bercaw abstained.

The Board reviewed a letter from **Eboni Webb, Psy.D.** requesting a 90 day extension on her temporary license. Dr. Auble made a motion, seconded by Dr. Sigler to ask Dr. Webb to appear before the Board on March 1, 2012 if Dr. Webb did not pass the EPPP. The motion carried.

Telepsychology

The Board discussed the research the subcommittee performed regarding telehealth laws in other states. The Board wants to develop a set of guidelines on telehealth. The guidelines should be in accordance with ASPPB recommendations. Dr. Davis asked that the topic be placed on the agenda for the March meeting for further discussion and possible policy statement.

New Licenses

Dr. Sigler made a motion, seconded by Dr. Auble, to approve the following newly licensed psychologists:

John Burkhardt II
E-Ling Cheah
Richard Epstein
Megan MacNamara
Kristen Reeslund
Katherine Rowinski
Jane Schreiber
Marsha Slatten

The motion carried.

Reinstated Licensees

Dr. Sigler made a motion, seconded by Dr. Auble, to approve the following reinstated psychologists:

Sharon Horne
Karen Silien

Dr. Sigler made a motion, seconded by Dr. Auble, to approve the following reinstated psychological examiners:

Douglas Andreasen
Victoria Grill
Jan Taylor

The motion carried.

EPPP Examination

Dr. Sigler made a motion, seconded by Dr. Auble, to approve the passing scores of the EPPP examination for the following candidates:

E-Ling Cheah
Kristin Reeslund
Benjamin Birdwell

The motion carried.

Ethics and Jurisprudence Examination

Dr. Sigler made a motion, seconded by Dr. Auble, to approve the passing scores of the ethics and jurisprudence examination for the following candidates:

Luanna Slatten
Katherine Rowinski
E-Ling Cheah
Richard Epstein
Kristen Reesland
John Burkhardt
Jane Schreiber

The motion carried.

Agreed Citations

Dr. Van Eys made a motion, seconded by Ms. Hunter, to approve the following Agreed Citations for violation of continuing education requirements.

Psychologists

Hours Deficient

Peter Young, PhD 1466
Victor Pestrak, PhD 1427

1.75
16.5

Psychological Examiners

Hours Deficient

Ewing Von Schmittou SPE 11582

18

Dr. Sigler made a motion, seconded by Dr. VanEys, to allow the licensees to make up the deficient hours within 90 days before discipline is enforced. If the hours are not made up within the 90 days then the Agreed Citation and fine will be issued. The motion carried.

Ethics and Jurisprudence Exam Task Force Report

Dr. Davis, Dr. Brookshire and Mr. Bercaw are examining the equivalency of the parallel forms of the test. Dr. Davis asked Ms. Owens to gather information for 2011 from the candidates who took the test. Dr. Davis will review the information and report back to the Board at the next meeting March 1-2, 2012.

With no other Board business to conduct on December 1, 2011, Dr. Auble made a motion, seconded by Dr. Van Eys to adjourn the board meeting at 4:30 p.m. until December 2, 2011

Dr. Davis, Chair, called the meeting to order on December 2, 2011 at 9:10 a.m.

Criminal Background Check

Dr. Sigler made a motion, seconded by Dr. Auble, to draft a policy statement that the criminal background check will be good for one year from the date of receipt. The motion carried.

File Review

Mr. Bercaw made a motion, seconded by Dr Erickson, to approve **Darcy Raches** to sit for the ethics and jurisprudence exam. The motion carried.

Dr. Auble made a motion, seconded by Dr. Sigler, to approve **Melissa Anderson** to be issued a provisional license and to sit for the EPPP exam and the ethics and jurisprudence exam. The motion carried.

Dr. Auble made a motion, seconded by Dr. Van Eys to approve **John Young**, to sit for the EPPP examination and ethics and jurisprudence exam. The motion carried.

Dr. Auble made a motion, seconded by Dr. Sigler to approve **Lauren Benner** to be issued a provisional license and to sit for the EPPP exam and the ethics and jurisprudence exam. The motion carried.

Dr. Sigler made a motion, seconded by Ms. Hunter, to approve **Kathleen Aspiranti** to be issued a provisional license and to sit for the EPPP examination and jurisprudence examination. The motion carried.

Dr. VanEys made a motion, seconded by Ms. Hunter, to approve **Pamela Drury** to sit for the ethics and jurisprudence examination. The motion carried.

Dr. Sigler made a motion, seconded by Dr. Van Eys, to approve **Jean Cobb** to be issued a provisional license and to sit for the EPPP examination and ethics and jurisprudence examination. The motion carried.

Ms. Hunter made a motion, seconded by Dr. Sigler, to approve **Scott Wylie** to sit for the ethics and jurisprudence examination. The motion carried.

Dr. Erickson made a motion, seconded by Dr. Auble, to approve **Allison McCormack** to be issued a provisional license and to sit for the EPPP examination and ethics and jurisprudence examination. The motion carried.

Other Board Business

With no other Board business to conduct, Ms. Hunter made a motion, seconded by Dr. Sigler to adjourn at 11:30 a.m. on December 2, 2011. The motion carried.

Ratified by the Board on March 1, 2012